

## Task Force Municipal Subcommittee/League of Municipalities Proposal

### For Those Areas Designated As Fully Appropriated:

**Part 1: Turnbull Allocations § 46-740. Add new subsection (3).** (a) If allocation is adopted for use of ground water for municipal purposes within an integrated management area, the permissible withdrawal of ground water for municipal uses shall not be less than the greater of either: (1) an annual amount not be less than 250 gallons per person served per day; *plus* 6 inches per acre of the total acreage within the municipal jurisdictional limits, *plus* all areas of the municipal water supply system outside of those limits; *plus* the same inches per acre as provided for under 46-740(1) for all irrigated lands served by the municipal water supplier; *plus* any volume of water needed to operate power generation facilities; *plus* all existing or pending industrial uses. Ground water used for fire protection, water and sewage system maintenance, construction and repairs shall not be subject to annual allocations. Ground water pumped from dewatering wells shall also not be subject to annual allocations; *or* (2) The total volume of water that may be withdrawn and transferred under all permits issued pursuant to § 46-638 et seq., including permits granted but not yet fully exercised.

(b) The annual amounts calculated pursuant to subsection (3)(a)(1) & (2) shall be based on the conditions as they existed on the date the basin, subbasin or reach was designated fully or overappropriated, except that the gallons per person served per day shall be calculated annually to reflect changes in population served by a municipal system.

(c) Allocation for municipal purposes shall not be permitted unless allocations under subsection (1) of 46-740 have also been adopted for the entire management area.

**Part 2: Add new subsection (4).** (a) If an integrated management plan adopted pursuant to §§ 46-715 to 46-718 does not include allocations for irrigation or municipal use, the permissible withdrawal of ground water for municipal uses shall not be less than the greater of either: (1) an annual amount not be less than 250 gallons per person served per day; *plus* 6 inches per acre of the total acreage within the municipal jurisdictional limits, *plus* all areas of the municipal water supply system outside of those limits; *plus* the inches per acre necessary to meet the crop irrigation requirement for corn for all irrigated lands served by the municipal water supplier; *plus* any volume of water needed to operate power generation facilities; *plus* all existing or pending industrial uses. Ground water used for fire protection, water and sewage system maintenance, construction and repairs shall not be subject to annual allocations. Ground water pumped from dewatering wells shall also not be subject to annual allocations; *or* (2) The total volume of water that may be withdrawn and transferred under all permits issued pursuant to § 46-638 et seq. including permits granted but not yet fully exercised.

(b) The annual amounts calculated pursuant to subsection (4)(a)(1) & (2) shall be based on the conditions as they existed on the date the basin, subbasin or reach was designated fully or overappropriated, except that the gallons per person served per day shall be calculated annually to reflect changes in population served by a municipal system.

**For Those Areas Not Yet Designated As Fully Appropriated:**

- § 46-713(1)(a) is amended as follows: By January 1 of each year beginning in 2006 and except as otherwise provided in this section and section 46-720, the Department of Natural Resources shall complete an evaluation of the expected long-term availability of hydrologically connected water supplies for both existing and new surface water uses and existing and new ground water uses, in each of the state's river basins . . .

- § 46-714(3) is amended as follows: (p) new water wells necessary to meet existing municipal uses as defined in § 46-706.

- § 46-706: Existing uses by municipal systems means those water uses for which a municipal water supplier presently provides water and uses projected for 20 years of future growth as estimated using growth rates of the preceding 10 year period or a projected growth rate of 5% or the total volume of water that may be withdrawn and transferred under all permits issued pursuant to § 46-638 et seq., including permits granted but not yet fully exercised, whichever is greater.

NOTE: To protect those areas that may be effected by designations occurring on January 1, 2006, the DNR would adopt a rule that defines "existing uses" to include existing municipal uses" as we have proposed above.

NOTE: Use of water up to the amount of allocations adopted in an integrated management plan will not require offsets.